



Our Docket No.: 5306.P132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Keven E. Laracey, et al.

Application No.: 09/602,297

Filed: June 24, 2000

For: Electronic Bill Payment and
Presentment

Examiner: Richard C. Weisberger

Art Group: 3624

DECLARATION UNDER 37 § CFR 1.132

I, Peter Troost, do hereby declare and say:

I was employed by Siebel Systems, Inc. as the Vice President of Self Service Engineering until January 31, 2006. Currently, I am an employee of Oracle Corporation that acquired Siebel Systems, Inc., effective February 1, 2006.

Siebel Systems, Inc. is the current assignee of the present application.

Based on my knowledge and a telephone conversation with Kevin E. Laracey, former CEO of edocs, Inc. and one of the named inventors of the present application, I am able to address the Examiner's questions.

I am aware that the Gillespie reference (Gillespie, "Market Overview: Electronic Presentment and Payment") teaches that as of 1999 there were five major

players in the EPP market and that the EPP market was extremely immature (Gillespie at page 1, paragraph 3, lines 1-2 and page 1, paragraph 1, line 4).

At the time of filing of the instant application, Applicants were aware of four of the five vendors discussed in Gillespie: Checkfree, Transpoint, Bank of America and Integrion. Applicants were not aware, however, of "The Exchange."

Checkfree was a partner and the first customer of Applicant's software. Applicants subsequently built a product to integrate with Checkfree's service bureau offering. Transpoint was a direct competitor of Checkfree, offering the same services as Checkfree. Transpoint was subsequently acquired by Checkfree. Bank of America also offered a service similar to Checkfree's services. Integrion is a banking consortium founded to establish standards for home banking transactions, and, as such, Integrion was not pertinent to the technology of the present application.

At the time of filing of the instant application, Applicants had evaluated the EPP methods of Checkfree, Transpoint and Bank of America.

Checkfree, Transpoint and Bank of America were each offering electronic bill consolidation for consumers as a service bureau offering. A biller provided user registration information, billing summaries, and bill details to the service bureau (e.g., Checkfree, Transpoint, Bank of America). The service bureau then presented bills to consumers. The service bureaus sustained their business by requiring payment of transaction fees.

At the time of filing of the instant application, the technological landscape was divided between a "bill consolidation service bureau" approach and a "biller direct software" approach.

Checkfree, Transpoint and Bank of America represented bill consolidation service bureaus. Bill consolidation service bureaus offered their services directly to consumers, providing consumers the ability to register to receive bills from multiple billers in a single consumer portal. Bill consolidation service bureaus entered into an agreement with a biller, sometimes for a fee, and collected account information and monthly billing information electronically. Bill consolidation service bureaus presented the billing information to enrolled consumers who could then pay their bill online at the consolidator service bureau site. The consolidator service bureau site collected a transaction fee on each payment from the biller.

The bill consolidation service was beneficial because it was convenient for the consumer since the consumer could view and pay all of their bills on one site. The bill consolidation service, however, was disadvantageous because the biller completely forfeited their relationship with their customers. Thus, the biller was not able to market to their customers when the bill was presented. In addition, the biller had to pay relatively high transaction fees for payments received through the consolidation service bureau site.

In contrast, edocs was representative of the biller direct software approach, prior to the product covered by the instant application. A biller direct software provider sold enterprise software directly to billers, who implemented the software on their website to present bills to their customers directly.

The biller direct software was advantageous because the biller was able to maintain their relationship with their customers and present upsell/cross-sell offers on a monthly basis. The disadvantage of the biller direct software was that individual consumers were required to maintain separate user ID's and passwords for each biller and were required to visit several web sites to pay each of their bills.

Embodiments of the present invention are directed to a bill consolidation software product, which offers the advantages of both the biller consolidation service and biller direct software approaches, without the associated disadvantages.

Embodiments of the present invention provide a "biller centric" consolidation model that allows billers to serve up summary data to their customer on an aggregated site, but retain detailed data about their customer's bill on their own site.

Thus, in the "biller centric" consolidation model, the biller is not disintermediated because all of the data (i.e., the detailed data) is not given to the aggregator. That is, the biller is able to maintain the customer relationship by being the only source for detailed billing information.

In addition, embodiments of the present invention allow an aggregator to use an aggregator software product for a portal business. An aggregator can, for example: a) receive summary and/or detail data from a billing entity; b) present the summary information to an end user; c) configure the product, such that the look and feel of the product can be changed as desired; and/or, d) present billing entity specific enrollment screens via the aggregation software.


Based on these observations, it is my professional opinion that at the time the invention was made, the concept of offering an aggregation software product to be sold directly to billers (versus a service bureau offering) that allows each biller to maintain their own customer relationships was unique.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed:

Date: March 2, 2006



Peter Troost